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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 0054-0230P

	Application Number	Filed
	09/837,165-Conf. #008432	April 19, 2001
	First Named Inventor: Keiki YAMADA et al.	
	Art Unit: 2624	Examiner: P. K. Huntsinger

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant /inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 29,680
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

#40,434
Signature

Michael K. Mutter
Typed or printed name

(703) 205-8000
Telephone number

September 27, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of 1 forms are submitted.

Docket No.: 0054-0230P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Keiki Yamada et al.

Application No.: 09/837,165 | Confirmation No.: 8432

Filed: April 19, 2001 | Art Unit: 2624

For: OPTICAL PRINTING APPARATUS | Examiner: P.K. Huntsinger

REQUEST FOR A PRE-APPEAL BRIEF CONFERENCE

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal.

The review is being requested for the reasons set forth on the attached five (5) Sheets.

ARGUMENTS

Applicants respectfully submit that the Examiner has made the following clear errors:

(1) The Examiner is improperly interpreting and applying the teachings of Furuya et al. (U.S. 5,418,097) in rejecting independent claim 1 in view of Kawabe et al. (U.S. 6,034,710) and Furuya.

(2) Examiners reasons for combining the teachings of Kawabe and Furuya not consistent with 35 U.S.C. § 103.

Examiners Understanding Of Furuya's Teachings Is Not Correct

In the embodiment of the present invention defined by claim 1, an exposure level data for each element of a print head, thus for each color printing element, a correction factor is applied based on the exposure level relative to the optimal exposure level. This is separately done for each element of the print head. The actual language of claim 1 is provided below.

Claim 1 recites, *inter alia*, an exposure level correction section that corrects the exposure level data output from said exposure level conversion section using a correction factor for each element of a print head, the correction factor being based upon predetermined data stored in the correction table that correlates the exposure level for each element of the print head with an optimal exposure level, and outputting corrected exposure level data.

The Examiner admits that Kawabe fails to teach the above features and provides Furuya to provide this teaching. Applicants respectfully submit that Furuya also fails to provide the above noted feature.

Applicants note that Furuya teachings refer to a magnetic roller 12 (drum) printing device. See column 5, line 60 through column 6, line 65. The roller device of Furuya is uniquely different from the claimed apparatus which includes multiple print heads and is also uniquely different from Kawabe which also teaches the use of multiple print heads and not printing based upon a magnetic rolling device. The claims recite correcting exposure level for each print head, thus a correction value is obtained for each print head, not for a single magnetic roller. Thus, Furuya's teachings are not analogous to the claimed features or to Kawabe's teachings.

In the Office Action dated June 27, 2006, page 2, the Examiner states that Furuya does teach providing a correction factor for each element of a print head at col 13, lines 19-28. Applicants respectfully submit that Furuya does not teach a device that utilizes a print head. Col 13, lines 19-28 are directed to toner density for a magnetic drum roller. Furuya is concerned with a magnetic drum roller printing device that does not have print heads. Thus, Furuya cannot teach providing a correction factor for each element of a print head.

Furuya teaches detecting overall characteristics of a drum device using predetermined active time factors as they relate to toner density. This is an experimental operation to obtain density control values. This operation is performed using certain conditions such as exposure, development, toner characteristics, process speed, AC and DC component of developing bias voltage. See column 16, lines 62 through column 17, line 10, and column 18, lines 52-58. The Office Action refers to column 18, lines 52-58 in supporting its arguments. Applicants note that column 18, lines 52-58 merely refer to the above experimental conditions used in column 16, lines 16 through column 17, line 10. Column 18 states that "control of the active time factor may be carried out in combination with control of the DC component of the developing bias voltage, control of the charging potential or control of the exposure amount." Thus, the control of the active time factor is not used to control the exposure amount as it is for density, but used in combination with other factors which includes the control of the exposure amount to obtain results as shown in table 4 of Furuya. These results relate only to density control and not to the control of exposure level data. The control of exposure level is a separate control not discussed in Furuya. Thus, different characteristics are used in combination with the active time factor to determine density control characteristics that are stored in a table.

The Examiner incorrectly presumes that the features discussed in Furuya are related to exposure level based on the above noted paragraph in Furuya. The entirety of Furuya's specification relates the features therein to controlling density, not exposure level. The paragraph noted above merely states that the control of density can be carried out with the control of other features, including exposure level. Furuya does not teach or suggest how the control of exposure level is performed.

Therefore, for the above reasons, Applicants submit that the Examiner has errored in his understanding of Furuya's teachings. Thus, the rejection of claim 1 is improper.

The Examiner's Reasoning For Combining Kawabe's and Furuya's Teachings Inconsistent With 35 U.S.C. § 103

The Examiner is overreaching the bounds of one of ordinary skill in the art by suggesting that the teachings of Kawabe and Furuya are combinable simply because they both "in the field of printing systems." *See page 2 of Office Action dated June 27, 2006.* Kawabe teaches a multiple print head system whereas Furuya teaches a magnetic drum roller printing system. Yes, they both perform printing, but in very different ways using completely different technologies. For example, the printing field includes ink jet printing, laser printing, bubble jet printing, magnetic roller printing, etc... One of ordinary skill would not assume technologies from bubble jet printer would be necessarily be applicable with a laser printer just because they both are in the field of printing.

35 U.S.C. § 103 requires motivation to combine teachings from multiple references to be found in the teachings of the references themselves or by one of ordinary skill in the art. Neither Kawabe or Furuya teach or suggest combining their teachings with a different type of printing technology. Further, one or ordinary skill in the art would not make such suggestion because magnetic drum rollers (Furuya) do not use print heads (Kawabe) and vice versa. These two references teach drastically different technologies, although both technologies are printing systems. The Examiners reasoning is simply flawed and not consistent with the rules and laws governing obviousness-type rejections.

Accordingly, applicants respectfully submit that the Examiner has failed to provide proper motivation and thus failed to properly reject claim 1 in view of Kawabe and Furuya. Thus, the rejection should be withdrawn.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Chad Billings (Reg. No. 48,917) at (703) 205-8001 **to schedule a Personal Interview**.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 27, 2006

Respectfully submitted,

#40,439

By
Michael K. Mutter,
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

MKM/CJB